

EX PARTE ON LATE FILED

RECEIVED

NOV - 7 2005

Federal Communications Commission
Office of the Secretary

DOCKED FILE COPY ORIGINAL



2005 OCT 32 P 3: 59

VIRGINIA COMMUNITY COLLEGE SYSTEM

James Monroe Building • 101 North Fourteenth Street • Richmond, Virginia 23219

October 26, 2005

04-295

*Via Facsimile to Virginia's Congressional Delegation
Via Facsimilie and U.S. Mail to The Honorable Kevin J. Martin*

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Mr. Martin:

This letter is in response to the August 2005 Federal Communications Commission order, published last week in the Federal Register, which seeks to extend the provisions of the 1994 Communications Assistance for Law Enforcement Act to institutions of higher education. The legislative intent of the law as originally crafted was to require telephone carriers to re-engineer telecommunications systems thus enabling easier surveillance activities by appropriate federal authorities.

The costs for enacting the original law were to be borne by the telecommunications providers. I suspect that in the course of "business as usual" these costs were then passed on to consumers. And now, in a time of unprecedented decreases of real dollars for education both at the federal and state level, we understand that the Federal Communications Commission intends to expand the original intent of this law to institutions of higher education that will then bear the expensive burden of upgrading campus networks.

Who will ultimately pay the multiple million dollar price tag for Virginia's institutions of higher education to comply with this unfunded and expansive mandate? From our perspective, Virginia's college students, and their families, will experience additional costs if we are required to finance this mandate. We ask our partners in the Federal government to be more sensitive to rising higher education costs, or at least illustrate that the gains in surveillance at our institutions of higher education are worthy of such expensive measures. At the very least, careful study should be conducted prior to enactment to provide clear evidence of the need and the outcome of such an expansive

No. of Copies rec'd 043
List ABCDE

The Honorable Kevin J. Martin


October 26, 2005

Page 2

measure. To implement such a measure in early 2007 would present a huge burden to the primary constituents of the Virginia Community College System.

On behalf of our twenty-three colleges, I ask you to reconsider all relevant options that are in the best economic interests of our stakeholders.

Sincerely,



Glenn DuBois
Chancellor

GDB/sel

C: The Honorable George Allen
The Honorable John Warner
The Honorable Rick Boucher
The Honorable Eric Cantor
The Honorable Jo Ann Davis
The Honorable Thomas Davis III
The Honorable Thelma Drake
The Honorable Randy Forbes
The Honorable Virgil Goode, Jr.
The Honorable Bob Goodlatte
The Honorable James Moran
The Honorable Bobby Scott
The Honorable Frank Wolf
Mr. Chris Lumsden, Chairman, State Board for Community Colleges
Presidents of Virginia's Public Universities and Colleges